

7A Am. Jur. 2d Automobiles § 230

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Automobiles and Highway Traffic

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V. Traffic Regulations; Offenses Regarding Vehicles, Driving, Licensing, and Registration

A. Traffic Regulations; Offenses Regarding Vehicles, Driving, Licensing, and Registration, in General

1. General Considerations

§ 230. Seat belt use laws

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West's Key Number Digest

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[Nonuse of seatbelt as reducing amount of damages recoverable](#), 62 A.L.R.5th 537

Trial Strategy

[Proof of Seatbelt Defense](#), 65 Am. Jur. Proof of Facts 3d 1

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[The Seatbelt Defense](#), 35 Am. Jur. Trials 349

There is a rational relationship between a mandatory seat belt use law and the state's interest in protecting motorists and saving lives; thus, such a law does not exceed the state's police power,¹ nor does it violate a motorist's freedom of travel² or violate equal protection because it applies to passenger cars but not to recreational vehicles³ or trucks.⁴ A motorist's Fourth Amendment

right to be free from unreasonable seizures is not violated when he or she is properly arrested by a police officer for violating such a regulation by failing to wear a seat belt,⁵ and where a police officer reasonably—whether erroneously or not—believes that a defendant's seat belt is unbuckled, the officer has reasonable cause to conduct a traffic stop.⁶ In some jurisdictions, a motorist's violation of a seat belt use law will justify a revocation of his or her driver's license,⁷ and in some the violation of a seat belt use law will qualify as a predicate offense for a statute that prohibits knowingly violating a law, or failing to perform a duty imposed by law, intended to protect the public health and safety and recklessly causing serious bodily injury.⁸

Some statutes require that both the driver and front-seat passenger wear fastened seat belts,⁹ and that where the vehicle is equipped with both lap and shoulder belts, the driver and passenger must wear both belts.¹⁰ Under other regulations, though, the driver or front-seat passenger is not obligated to use a shoulder belt where a lap belt is fastened.¹¹

Practice Tip:

Under the mandatory seat belt use laws of some states, the use or nonuse of seat belts may not be submitted into evidence in any civil action, such as one arising out of a traffic accident.¹²

Observation:

A federal statute authorizes grants to a state if the state has in effect in a given fiscal year a law which makes unlawful throughout the state the operation of a passenger vehicle whenever an individual in a front seat of the vehicle (other than a child who is secured in a child restraint system) does not have a safety belt properly fastened about the individual's body.¹³

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Footnotes

- 1 [People v. Kohrig](#), 113 Ill. 2d 384, 101 Ill. Dec. 650, 498 N.E.2d 1158 (1986); [State v. Hartog](#), 440 N.W.2d 852 (Iowa 1989); [State v. Folda](#), 267 Mont. 523, 885 P.2d 426 (1994); [State v. Fazekas](#), 238 N.J. Super. 403, 569 A.2d 913 (Law Div. 1989).
- 2 [Ramey v. State](#), 2002 WL 1163431 (Tex. App. Houston 14th Dist. 2002), petition for discretionary review refused, (Apr. 9, 2003).
- 3 [City of Tulsa v. Martin](#), 1989 OK CR 24, 775 P.2d 824 (Okla. Crim. App. 1989).
- 4 [Farley v. State](#), 272 Ga. 432, 531 S.E.2d 100 (2000) (noting, however, that minor occupants of pickup trucks may be required to wear seat belts); [Kelter v. State](#), 808 N.E.2d 154 (Ind. Ct. App. 2004).
- 5 [Atwater v. City of Lago Vista](#), 532 U.S. 318, 121 S. Ct. 1536, 149 L. Ed. 2d 549 (2001).
- 6 [U.S. v. Williams](#), 773 F.3d 98 (D.C. Cir. 2014), cert. denied, 135 S. Ct. 2336, 191 L. Ed. 2d 997 (2015).

7 King v. Martinez, 2002 WL 1059746 (N.Y. Sup 2002).
8 State v. Lenihan, 219 N.J. 251, 98 A.3d 533 (2014).
9 Bishop v. Takata Corp., 2000 OK 71, 12 P.3d 459 (Okla. 2000).
10 Carlson v. Ferris, 85 P.3d 504 (Colo. 2003); State v. Ribbel, 111 Haw. 426, 142 P.3d 290 (2006).
11 People v. Widrick, 185 Misc. 2d 765, 713 N.Y.S.2d 847 (N.Y. City Ct. 2000).
12 Comer v. Preferred Risk Mut. Ins. Co., 1999 OK 86, 991 P.2d 1006 (Okla. 1999).
13 23 U.S.C.A. § 153(a)(2).

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